S.B.Cr.Misc. Bail App. No.5982/2007

(Aabid Vs. State of Rajasthan)

Date of order : December 10, 2007

HON'BLE MR.H.R.PANWAR,J.

Dr.S.S.Jodha, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned as well as the challan papers.

It is contended by the learned counsel for the petitioner that the prosecutrix herself appeared before the learned Sessions Judge through her counsel and filed an affidavit as also "Nikah Nama" stating therein that she converted herself to the Muslim Religion and married to the petitioner. An application has been filed by the prosecutrix before the Chief Judicial Magistrate, Ajmer dt. 23.5.2007 to record her statement under section 164 Cr.P.C. stating therein that she converted herself to the Muslim Religion and married to the petitioner and is living with him. Learned counsel submits that the prosecutrix is living with the petitioner as his wife and affidavit to this effect has already been filed before the learned Sessions Judge. Learned counsel has placed on record the marriage certificate (Nikah Nama) and a

copy of the affidavit, which was filed before the learned Sessions Judge.

Having regard to the facts and circumstances of the case and and the fact that the prosecutrix herself appeared before the Sessions Judge and made a statement, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Aabid s/o Rahim Bux be released on bail in FIR No.264/2007, P.S. Kotwali, Bhilwara provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-